

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the Special Use Permit shall be kept on the premises and made available for examination by the public upon request.

| | |
|----------------------------------|--------------------------|
| Special Use Permit | #2016-0095 |
| Approved by Planning and Zoning: | January 4, 2017 |
| Permission is hereby granted to: | Elizabeth J. Davis |
| To use the premises located at: | 2310 Mount Vernon Avenue |
| For the following purpose: | see attached report |

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

1/4/17

Date

Karl Moritz (AD)

Karl Moritz, Director

Department of Planning and Zoning

DATE: January 4, 2016

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Sara Brandt-Vorel, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2016-0095
Administrative Review for Minor Amendment
Site Use: Restaurant
Applicant: Elizabeth J. Davis
Location: 2310 Mount Vernon Avenue
Zone: CL/Commercial Low & Mount Vernon Avenue Urban Overlay
Zone

Request

Special Use Permit #2016-0095 is a minor amendment request for an existing restaurant, known as the Dairy Godmother, located at 2310 Mount Vernon Avenue. The applicant requests an increase in their daily hours of operation by two hours, adjusting their opening time from 10 a.m. to 8 a.m., daily. No additional changes to the operation are requested and the applicant proposes to maintain their restaurant use of approximately 1,400 square feet. The restaurant would continue to offer counter service and carry-out service and maintain their 27 indoor seats for customer use. The applicant does not propose any live entertainment, alcohol service, or delivery service from their restaurant.

Elements of the proposal include:

Hours of Operation:

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| <i>Existing:</i> | <i>10 a.m. – 10 p.m., Daily.</i> |
| Proposed | 8 a.m. – 10 p.m., Daily |

Seating: 27 indoor seats.

Type of Service: Counter service and carry-out.

Delivery: No delivery proposed.

Alcohol: No on- or off-premises alcohol sales proposed.

Live Entertainment: No live entertainment proposed.

Employees per Shift: Up to 8 employees per shift during peak seasons.

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| <u>Noise:</u> | Minimal noise is expected. |
| <u>Odors:</u> | Minimal odors from a restaurant use are addressed through proper ventilation. |
| <u>Trash/Litter:</u> | All trash receptacles will be emptied into dumpsters located behind the proposed restaurant. |

In addition, the applicant proposes to maintain their ability to lease a portion of the restaurant space for the baking of artisanal breads on premises between 4 a.m. and 11 a.m., daily. Breads baked on premises may be sold both on- and off-premises.

Background

The subject site is located in the northwest corner of the intersection of East Del Ray and Mount Vernon Avenues. The subject site is developed with an approximately 13,000 square foot building constructed in 1940 with the addresses 112A - 118 E Del Ray Avenue and 2300 – 2310 Mount Vernon Avenue. The building contains several uses, including St. Elmo's Coffee Pub, Market to Market restaurant and food retail, and a UPS store. The applicant's current restaurant was first approved by City Council in September 2000 through SUP #2000-0099 which granted a restaurant use with 27 indoor seats and a parking reduction of six spaces. Since opening, staff has not received any complaints against the restaurant and inspection in December 2016 found the applicant to be in compliance with all terms and conditions of their SUP.

Parking

Section 8-200(A)(8) of the Zoning Ordinance requires one off-street parking space for every four restaurant seats. Therefore, with 27 indoor restaurant seats, the applicant would be required to provide seven off-street parking spaces. The applicant meets their parking requirement through a parking reduction of six spaces which was approved by City Council in September 2000 through SUP #2000-0099 and with the provision of one off-street parking space located in the parking lot behind the building.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Del Ray Citizens Association was sent an e-mail with information about the current application. Staff received no comments in regards to the application.

Staff Action

Staff supports the applicant's request for a minor amendment to increase their daily hours of operation from an opening of 10 a.m. to 8 a.m. However, staff has amended Condition #5, as it relates to the hours of operation, to reflect the standard hours of operation for restaurants as established by Mount Vernon Overlay in Section 11-513(L) of the Zoning Ordinance. As these

hours were established with community input to develop neighborhood standards and adopted into the Zoning Ordinance, they reflect a community-wide standard for acceptable hours of operation and staff finds no objection in applying those established neighborhood hours to this restaurant request. The greater flexibility in hours of operation would enable the applicant to respond quickly to changing market demand and operate with similar hours to other established restaurants in the community.

Staff has carried forward previous conditions, such as those related to seating in Condition #2, live entertainment in Condition #4, and the sale of alcoholic beverages in Condition #7. Staff has also added conditions which reflect current restaurant conditions such as Conditions #18 and #19 which require the applicant to encourage alternative forms of transportation to their business among employees and patrons by providing an employee transportation benefits program, and providing information on alternative forms of transportation, respectively. Condition #21 was included requiring the applicant to utilize and maintain proper trash receptacles to prevent garbage from becoming a nuisance. To ensure that the restaurant maintains a vibrant storefront and contributes to an active pedestrian experience along Mount Vernon Avenue, staff included Condition #28 which requires the applicant to maintain visibility through the restaurant's front windows.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: January 4, 2016
Action: Approved



Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2016-0095

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The special use permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP #2000-0099)
2. Seating shall be provided for no more than 27 patrons inside the shop. (P&Z) (SUP #2000-0099)
3. No outside dining facilities shall be located on the premises. (P&Z) (SUP #2000-0099)
4. No live entertainment shall be provided at the restaurant. (P&Z) (SUP #2000-0099)
5. **CONDITION AMENDED BY STAFF:** ~~The hours of operation for retail sales shall be limited to 10:00 a.m. to 10:00 p.m. daily.~~ The hours of operation of the restaurant shall be limited to between 6 a.m. and 11 p.m., Sunday through Thursday, and from 6 a.m. to midnight, Friday and Saturdays. Meals ordered before the closing hour may be served, but no new patrons may be admitted and all patrons must leave by one hour after the closing hour. (P&Z) (SUP #2000-0099)
6. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #2000-0099)
7. No alcoholic beverages shall be sold. (P&Z) (SUP #2000-0099)
8. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #2000-0099)
9. **CONDITION DELETED AND REPLACED WITH CONDITION #21:** ~~Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of these containers.~~ (P&Z) (SUP #2000-0099)
10. **CONDITION DELETED BY STAFF:** ~~The applicant shall obtain, at its expense, one city trash container Model 2701 SP, for installation on the adjacent right of way and shall contact the Solid Waste division of T&ES at (703) 751-5130 for information.~~ (T&ES) (SUP #2000-0099)
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #2000-0099)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #2000-0099)

13. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and No amplified sound shall be audible at the property line. (P&Z) (T&ES) (SUP #2000-0099)
14. **CONDITION DELETED BY STAFF:** The applicant shall post signs informing patrons of the availability of parking spaces on weekends or after 4:00 p.m. in the parking lot behind the adjacent Citgo station. (P&Z) (SUP #2000-0099)
15. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2000-0099)
16. The applicant shall contact the Crime Prevention Unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to opening the business. (Police) (SUP #2000-0099)
17. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the special use permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP #2000-0099)
18. **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
19. **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)
20. **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby City lots and garages on advertising and on the restaurant's website. (T&ES)
21. **CONDITION ADDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor

containers shall be maintained to the satisfaction of the Directors of Planning & Zoning and Transportation & Environmental Services, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)

22. **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
23. **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
24. **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
25. **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
26. **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it. (T&ES)
27. **CONDITION ADDED BY STAFF:** The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements. (P&Z)
28. **CONDITION ADDED BY STAFF:** The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage. (P&Z)

CITY DEPARTMENT COMMENTS

Legend C – code requirement R – recommendation S – suggestion F - finding

Transportation & Environmental Services

Previous Conditions:

9. **CONDITION DELETED BY STAFF:** ~~Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP2000-00099)~~
10. **CONDITION DELETED BY STAFF:** ~~The applicant shall obtain, at its expense, one city trash container Model 2701-SP, for installation on the adjacent right-of-way and shall contact the Solid Waste division of T&ES at (703) 751-5130 for information. (T&ES) (SUP2000-00099)~~
11. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (T&ES)
12. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP2000-00099)
13. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. All loudspeakers shall be prohibited from the exterior of the building, and ~~No~~ amplified sound shall be audible at the property line. (P&Z) (T&ES)
15. The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP2000-00099)

New Conditions:

- R-1 **CONDITION ADDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. The business shall contact Go Alex at goalex@alexandriava.gov for information on establishing an employee transportation benefits program. (T&ES)
- R-2 **CONDITION ADDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov for more information about available resources. (T&ES)

- R-3 **CONDITION ADDED BY STAFF:** The applicant shall encourage patrons to park off-street through the provision of information about nearby City lots and garages on advertising and on the restaurant's website. (T&ES)
- R-4 **CONDITION ADDED BY STAFF:** Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the Directors of P&Z and T&ES, including replacing damaged lids and repairing/replacing damaged dumpsters. (P&Z) (T&ES)
- R-5 **CONDITION ADDED BY STAFF:** Chemicals, detergents or cleaners stored outside the building shall be kept in an enclosure with a roof. (T&ES)
- R-6 **CONDITION ADDED BY STAFF:** The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
- R-7 **CONDITION ADDED BY STAFF:** Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
- R-8 **CONDITION ADDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
- R-9 **CONDITION ADDED BY STAFF:** If used cooking oil is stored outside, the drum shall be kept securely closed with a bung when not receiving used oil. The drum shall be placed on secondary containment, and situated under cover to prevent rainwater from falling on it. (T&ES)

City Code Requirements:

- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line. (T&ES) (SUP2000-00099)
- C-2 **CODE REQUIREMENT ADDED BY STAFF:** The applicant shall comply with the City of Alexandria's Solid Waste Control, Title 5, Chapter 1, which sets forth the requirements for the recycling of materials (Sec. 5-1-99). In order to comply with this code requirement, the applicant shall provide a completed Recycling Implementation Plan (RIP) Form within 60 days of SUP approval. Contact the City's Recycling Program Coordinator at (703) 746-4410, or via e-mail at commercialrecycling@alexandriava.gov, for information about completing this form. (T&ES)

- C-3 **CODE REQUIREMENT ADDED BY STAFF:** Section 5-1-42- Collection by Private collectors. (c) Time of collection. Solid waste shall be collected from all premises not serviced by the city at least once each week. No collections may be made between the hours of 11:00 p.m. and 7:00 a.m. (6:00 a.m. from May 1, through September 30) if the collection area is less than 500 feet from a residential area. (T&ES)

Fire Department

F-1 No comments or concerns related to opening two hours earlier.

Health Department

F-1 No Health Department comments for change in hours.

Code Enforcement


No comments received.

Recreation, Parks, and Cultural Activities

No comments received.

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2016-0095. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 2310 Mount Vernon Avenue.



Applicant - Signature

Elizabeth J. Davis

Applicant - Printed

JANUARY 5, 2017

Date

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Date